

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
TWENTY-SIXTH REGION**

Ozburn-Hessey Logistics, LLC.

Employer

and

Case No. 26-RC-8596
26-CA-23675

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied
Industrial and Service Workers International Union, AFL-CIO, CLC

Petitioner

**SUPPLEMENTAL DECISION AND ORDER
AND ORDER CONSOLIDATING CASES**

Based on a petition filed on September 25, 2009, and pursuant to a Decision and Direction of Election issued by the Regional Director for the Twenty-sixth Region on October 28, 2009, an election was conducted on March 16, 2010, among certain employees of the Employer at its Memphis, Tennessee, facility.¹ The tally of ballots revealed that of approximately 317 eligible voters, 119 votes were cast for Petitioner and 180 votes were cast against Petitioner. There was one void ballot. There were 11 challenged ballots, a number not determinative of the results of the election.

On March 22, 2010 the Petitioner timely filed objections to conduct affecting the results of the election, a copy of which was served upon the Employer. The Petitioner's Objections are attached hereto.

Pursuant to Section 102.69 of the Board's Rules and Regulations, Series 8, as amended, the undersigned has caused an investigation of the objections to be made and having considered the results thereof reports as follows:

¹ INCLUDED: All full-time custodians, customer service representatives, senior customer service representatives, cycle counter, inventory specialists, maintenance, maintenance techs, material handlers, operators 1, operators 2, operators 3, quality assurance coordinators, returns clerks, and team leads employed by the Employer at its Memphis, Tennessee facility.

EXCLUDED: All other employees, including, office clerical and professional employees, guards, and supervisors as defined in the Act.

THE PETITIONER'S OBJECTIONS

By letter dated May 7, 2010, the Petitioner requested to withdraw its Objections numbered 6, 7, 17, 18, 22, 23, 29, 35, 38, and the portion of Objection 19 concerning the discharges of Charles Tate, Renal Dotson, Jerry Smith, and Christopher Barnes. Accordingly, the Petitioner's request is approved. It is concluded that the remaining Petitioner Objections raise substantial and material factual issues which may best be resolved on the basis of record testimony.

CONCLUSIONS AND RECOMMENDATION

Having approved the Petitioner's request to withdraw its Objections numbered 6, 7, 17, 18, 22, 23, 29, 35, 38, and the portion of Objection 19 concerning the discharges of Charles Tate, Renal Dotson, Jerry Smith, and Christopher Barnes, and having found that the remaining Objections raise material and substantial issues best resolved on the basis of record testimony,

IT IS HEREBY ORDERED, pursuant to Section 102.33 of the Board's Rules and Regulations, Series 8, as amended, that issues raised regarding the Petitioner's Objections, be consolidated with Case Nos. 26-CA-23675, for the purpose of hearing, ruling and decision by an administrative law judge and in which Complaint and Notice of Hearing issued May 6, 2010.²

Dated at Memphis, Tennessee, this 7th day of May, 2010.

Ronald K. Hooks, Director, Region 26
National Labor Relations Board
The Brinkley Plaza Building
80 Monroe Avenue, Suite 350
Memphis, TN 38103-2416

Attachment

² Under the provisions of Section 102.69 of the Board's Rules and Regulations, a request for review of this decision may be filed with the Board in Washington, D.C. Pursuant to Section 102.69(g)(3), affidavits and other documents which a party has timely submitted to the Regional Director in support of its objections are not part of the record unless included in the Regional Director's decision or appended to the request for review or opposition thereto which a party submits to the Board. Any request for review must be received by the Board in Washington no later than May 21, 2010.